

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN ALLEN,

Plaintiff,

v.

HOMEQ SERVICING INC.,

Defendant

No. C 08-3798 MMC MED

**ORDER OF DISMISSAL**

The parties having advised the Court that they have agreed to a settlement of the above-titled action,

IT IS HEREBY ORDERED that plaintiff's claims alleged herein be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within ninety days, with proof of service of a copy thereon on opposing counsel, that the agreed consideration for the settlement has not been delivered, the foregoing order shall stand vacated and the action shall forthwith be restored to the calendar to be set for trial.

**IT IS SO ORDERED.**

Dated: March 31, 2009

  
MAXINE M. CHESNEY  
United States District Judge